

Attorney Docket No. LVIP:112US
U.S. Patent Application No. 10/709,871
Reply to Office Action of September 19, 2007
Date: March 12, 2008

Remarks

The § 103 (a) Rejections of Claims 1-6, 8-11, and 13

The Examiner rejected Claims 1-6, 8-11, and 13 under 35 U.S.C. § 103 (a) as follows:

1. Claim 1 - over U.S. Patent No. 3,103,844 to Persson (“Persson ‘844”) in view of U.S. Patent No. 5,748,366 to Yasunaga, et al. (“Yasunaga”);
2. Claims 1-5, 8-10, and 13 – over Persson ‘844 in view of Yasunaga and further in view of U.S. Patent No. 4,277,133 to Staehle (“Staehle”);
3. Claims 1 and 6 – over Persson ‘844 in view of Yasunaga further in view of U.S. Patent No. 3,405,578 to Persson (“Persson ‘578”);
4. Claims 9 and 11 – over Persson ‘844 in view of Yasunaga and further in view of Staehle and Persson ‘578.

Applicants have amended independent Claims 1, 8, 9, and 13 to claim the invention in which the curved rigid guide that encloses the pivoting device is enclosed the within the outer shell of the microtome or ultramicrotome. Support for this amendment is found in Figure 3 and 4 of the specification. Applicants respectfully submit that the claimed invention provides the advantage of enclosing the positioning and pivoting devices within either or both of the curved rigid guide and the shell or body of the microtome. This enclosure protects the entire pivoting system from damage from environments factors, equipment, and operators within proximity of the area in which the microtome is located. Because Claims 2-6 and 10-11 depend from amended independent Claims 1 and 9, respectively, they incorporate all the limitations of their respective base claims.

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Applicants respectfully point out that none of the pivoting devices cited above are enclosed in a shell or body of any type. Persson '844 teaches a microtome in which the pivoting means is used to move a microscope. Persson '844 does not disclose a body or shell enclosing any of the components of the disclosed microtome. In addition, the connection of the pivoting means with both the light and movable support base appears to preclude enclosing the system in a body as such a body would have to include a wide travel path for the microscope and allow the user access to the viewing optics. Yasunaga discloses a pivoting means and positioning device attached to the body of the microscope. However, the pivoting device is not enclosed by the body of the microscope and is actually held away from the microscope body to allow a user to observe an object from all angles. Staehle discloses a pivoting means with a positioning detent system in which the pivoting means comprises a significant part of the microscope body itself and the microscope lacks an enclosing shell. There are no components mentioned or taught in Staehle that can be used to enclose the part of the body that comprises the pivoting means. Finally, Persson '578 only discloses a disembodied scale for detecting and measuring the true edge angle of a knife for a microtome. There is no discussion of a microscope body or shell that may be used to enclose the pivoting means.

Thus, all the cited references fail to disclose a microtome body or shell that encloses one or both of the pivoting means and positioning device used with the instruments disclosed in each reference. To establish a *prima facie* case of obviousness against a claim, the references at least together must teach or suggest all the limitations of the rejected claims. None of the cited references teach a shell or body enclosing the pivoting means. Therefore, Applicants respectfully submit that the above listed combinations of references cited against each set of rejected claims fail to render those claims obvious as they fail to teach or suggest each element of those rejected claims. Applicants respectfully request reconsideration and allowance of Claims 1-6, 8-11, and 13.

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Conclusion

Applicants respectfully submit that the present application is now in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully yours,



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